

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:17-CT-3291-BO

HAROLD PRATT-BEY,

Plaintiff,

v.

P.J. MONTERIO,

Defendant.

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ORDER

Plaintiff filed this civil rights action *pro se* pursuant to 42 U.S.C. § 1983. The matter comes before the court for frivolity review pursuant to 28 U.S.C. § 1915. The matter also is before the court on plaintiff's motion for leave to proceed *in forma pauperis* (DE 4). In this posture, the issues raised are ripe for adjudication.


The court begins with plaintiff's motion seeking leave to proceed *in forma pauperis* under 28 U.S.C. § 1915. The court finds that plaintiff has made a satisfactory showing of indigence. Accordingly, his *in forma pauperis* application is GRANTED.

The court next conducts an initial review of plaintiff's action. Plaintiff's complaint is unclear and it is difficult to discern the claims he seeks to bring. Plaintiff, additionally, did not file his complaint on the proper form for filing a § 1983 action. Local Civil Rule 81.1, EDNC. Accordingly, plaintiff must particularize his allegations in order to present his claims in a more clear and concise manner. Specifically, plaintiff must file one amended complaint, on the proper form, naming the party or parties' responsible for his alleged deprivation, the injury stemming from the

party's actions or inactions, and the alleged facts to support his claim. Plaintiff further is on notice that he must connect the named defendants with the alleged conduct which resulted in the alleged constitutional violations. Moreover, plaintiff is reminded that his amended complaint must comply with Federal Rule of Civil Procedure 8, which provides: "A pleading that states a claim for relief must contain . . . a short and plain statement of the claim showing that the pleader is entitled to relief. . . ." Fed. R. Civ. P. 8(a)(2). Further, the court notifies plaintiff that his amended complaint will be considered his complaint in its entirety, and the court will not review plaintiff's other filings to glean any misplaced claims.

In summary, plaintiff's motion for leave to proceed *in forma pauperis* (DE 4) is GRANTED. Plaintiff is DIRECTED to file his particularized complaint on the proper form, as set forth above, within **14 days** of this court's order. The clerk of court is DIRECTED to send plaintiff the form for filing a § 1983 action. Failure to comply with the court's order will result in dismissal of this action without prejudice for failure to prosecute.

SO ORDERED, this the 26 day of June, 2018.

  
TERRENCE W. BOYLE  
United States District Judge